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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,750	06/06/2001	Anthony G. Matous	4346B	7931

7590 08/17/2004

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EXAMINER

TAYLOR, NICHOLAS R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/875,750

Applicant(s)

MATOUS ET AL.

Examiner

Nicholas R Taylor

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-7 were examined and rejected.

#### ***Specification***

2. The disclosure is objected to because of the following informalities:  
Grammar errors, see page 7 line 7 "clips within delivery shell" and page 14 line 4 "this play head can be on play only one instant of the timeline".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Facq et al. (US Patent Number 6,016,520).

Facq et al disclose an on-line media viewing system comprising:

As per claims 1, 4, and 7, storing a database of multimedia experiences in a storage medium of a host computer which is coupled to a computer network and has web server capabilities (column 2, lines 38-39);

providing said host computer with a management delivery system for managing the delivery of multimedia content from the host database for

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experiencing by a participant on a computer display device (column 2, lines 39-42);

downloading the delivery system over the computer network into memory of a general purpose computer for managing the delivery of selected of said multimedia experiences from said host database to a general purpose computer for display on a computer display device (column 2, lines 56-59).

As per claims 2 and 5, loading additional multimedia experiences from said host database into memory of said general purpose computer for subsequent experiencing while the participant is presently experiencing selected multimedia content from the host database for providing seamless multimedia content display (column 2, lines 43-49).

The claims above are applicable to an entire "system" comprising a method, apparatus, or a storage medium encoded with machine-readable computer program code, as these implementations are synonymous in this art. Claims 1, 4, and 7 map in this way, as they respectively represent the method, apparatus, and computer-encoded medium.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Facq et al as applied to claims 1, 2, 4, 5 and 7 above, and further in view of Geibler (ACM Article.)

Facq et al differs from the claimed invention in that it fails to specify the definition of the type of multimedia storage medium.

Geibler teaches a movie clip that is defined to have a "timeline" which is divided into frames and seconds ("Internal Navigation" paragraph, sentences 8-12.) In the claims "play head" is undefined and as a result is interpreted to have the general meaning in the art of "the single point that is currently being viewed in the media by the participant." By this definition, Geibler's description of a movie clip is synonymous with the applicant's claims 3 and 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the media format described by Geibler into the system described by Facq et al, since Geibler's format is one of many types of media formats available to be used in a such a media system. Incorporating Geibler's format would increase the versatility and potential applications by providing one more media format for use in the system.

The claims above are applicable to an entire "system" comprising a method and apparatus, as these implementations are synonymous in this art. Claims 3 and 6 map in this way, as they respectively represent the method and the apparatus.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These include the following patents that disclose:

- a student multimedia remote sharing system (Patent Number 6,226,672),
- a video clip storage and retrieval system (Patent Number 5,956,716),
- a multimedia courseware delivery system (Patent Number 6,170,014),
- a system for the remote delivery of video data (Patent Number 6,269,394),
- and a system for curriculum delivery over a computer network (Patent Number 6,343,319).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas R Taylor whose telephone number is (703) 605-4326. The examiner can normally be reached on Monday-Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor  
Assistant Examiner  
Art Unit 2141



PAUL KANG  
PRIMARY EXAMINER